



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/957,470	09/21/2001	Naoki Yoshioka	010871	2597

23850 7590 09/08/2003

ARMSTRONG, WESTERMAN & HATTORI, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

BUEKER, RICHARD R

ART UNIT	PAPER NUMBER
----------	--------------

1763

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/957,470

Applicant(s)

YOSHIOKA ET AL.

Examiner

Richard Bueker

Art Unit

1763

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-29 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 6, 10 and 16, drawn to a liquid supply system having a two valve body, three port control valve, classified in class 137, subclass 883.
- II. Claims 2, 7 and 11, drawn to a liquid supply system having a three valve body, four port control valve, classified in class 137, subclass 597.
- III. Claims 3-5 8-9 and 12-13, drawn to a liquid dispenser, classified in class 222, subclass 95.
- IV. Claims 14-15, drawn to a liquid supply system having a mass flow controller arrangement, classified in class 137, subclass 487.5.
- V. Claims 17-18, drawn to a liquid transfer line having a filter, classified in class 210, subclass 335.
- VI. Claims 19-28, drawn to a vaporizer, classified in class 392, subclass 399.
- VII. Claim 29, drawn to a method, classified in class 392, subclass 387.

The inventions are distinct, each from the other because of the following reasons:

Inventions (I-VI) and VII are related as process and apparatus for its practice.

The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus of inventions I-VI can be used for a different method, such as vaporizing a substance without appraising the vaporizer performance, or vaporizing an inorganic substance.

Inventions (I-V) and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, inventions (I-V) can be used to supply a liquid to a vaporizer that is a different type of vaporizer from the vaporizer of Group VI, such as a bubbler type vaporizer. Also, since the reference to supplying a vaporizer in the Group (I-V) inventions is a recitation of intended use, the liquid supply devices of the Group (I-V) inventions can also be used to supply a liquid to a location that does not include a vaporizer, such as a liquid storage tank. The Group VI invention has separate utility such as with a liquid supply pipe that does not include the two valve body, three port control valve of Group I, the three valve body, four port control valve of Group II, the liquid dispenser of Group III, the mass flow controller of Group IV or the filter of Group V. See MPEP § 806.05(d).

Inventions I, II, III, IV and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions. The Group I invention has a different mode of operation because it requires a two valve body, three port control valve, while the Group (II-V) inventions do not. The Group II invention has a different mode of operation because it requires a three valve body, four port control valve, while the Group (I and III-V) inventions do not. The Group III invention has a different mode of operation because it requires a particular liquid dispenser, while the Group (I-II and VI-V) inventions do not. The Group IV invention has a different mode of operation because it

Art Unit: 1763

requires a particular mass flow controller arrangement, while the Group (I-III and V) inventions do not. The Group V invention has a different mode of operation because it requires a particular filter, while the Group (I-IV) inventions do not.

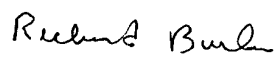
Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Bueker whose telephone number is (703) 308-1895. The examiner can normally be reached on 9 AM - 5:30 PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills can be reached on (703) 308-1633. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Richard Bueker
Primary Examiner
Art Unit 1763